

EMPLOYMENT OF RELATIVES

AUTHORITY: County Policy on Employment of Relatives

RESCINDS: Procedure Manual Item 1-3-213, dated 06/30/11

FORMS: None

PURPOSE: To provide guidelines for the employment of relatives within the Probation Department.

I. GENERAL INFORMATION

- A. No person may be appointed, promoted, reduced, transferred, or reassigned to a position in which that person is in the direct line of supervision of a close relative **or person with whom they share a household (housemate)**, nor shall they have the same immediate supervisor. "Supervision" includes the assignment of work, evaluation of performance, and setting/influencing the pay or granting of benefits to the other.
- B. Specific examples include when either one or both of the relatives/**housemates** would:
1. Work in the same building or work area,
 2. Work in a line of supervision over or under the relative,
 3. Be assigned to the same division,
 4. Have access to confidential personnel records, or
 5. Have the potential to administratively influence agency decisions to favor the other relative.
- C. For purposes of this procedure, close relative is defined as an individual related by blood, adoption, or marriage (i.e. spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, mother/father-in-law, son/daughter-in-law, sister/brother-in-law, stepparent, stepchild, stepbrother/sister or half brother/sister). **Housemate is defined as anyone with whom a household is shared.**
- D. All applicants for employment, promotion, reduction, transfer, or reassignment to a position in the Department shall be required to disclose the name(s) and position title(s) of any close relative **or housemate** currently employed in the Department prior to appointment, promotion, reduction, transfer, or reassignment. An employee who becomes a "relative" by marriage **or housemate** subsequent to appointment shall disclose the new relationship(s) to his/her supervisor.

- E. Exemptions required for the efficient and effective operation of the department may be granted by the Chief Probation Officer. This procedure outlines the steps necessary to request exemption.

II. PROCEDURE

- A. In the case of applicants who disclose having a close relative **or housemate** (as defined in the "General Information" section of this procedure) and are candidates for employment and whose employment could fall under those conditions specified in Section I.A. of this procedure, the **Human Resource Services (HRS)** recruitment personnel coordinating the hiring process will notify the hiring supervisor of the potential conflict of interest. Recruitment personnel and the supervisor will determine if an exemption should be requested. If the exemption request is appropriate, a written request shall be completed. The request, in the form of a memo, shall include:

1. Names of prospective employee and known relative/**housemate** employee(s) and relationship(s)
2. Titles and summary of duties and work relationship of affected positions

Recruitment personnel will document the qualifications of the applicant, indicating why the selected applicant is the best qualified or better qualified than other candidates. The supervisor will include the justification for the exemption, indicating why it is necessary for the effective and efficient operation of the department, **which includes** a statement of why the supervisor believes problems will not **arise as a result of the exemption**.

The request should be directed to the Chief Probation Officer via the chain of command.

- B. When an existing employee becomes a close relative **or housemate** working with another relative/**housemate** under the conditions specified in this procedure, the employee shall notify his/her immediate supervisor. The supervisor will complete a written request for exemption, **including**:

1. Names of the affected employees and relationships
2. Titles, summaries of duties, and work relationships of affected persons
3. Why it is necessary for the effective and efficient operation of the department, **which includes** a statement of why the supervisor believes problems will not **arise as a result of the exemption**

The request shall be directed to the Chief Probation Officer via the chain of command, unless the situation includes a relative/**housemate** in the direct chain of command. In these cases, the request shall go directly to the first-level in the chain immediately higher than the affected **employees**.

- C. In the event the supervisor feels an exemption is not justified/appropriate, this fact, as well as the rationale **thereof**, shall be communicated in writing to the next **person** in the chain of command. Should it be determined an exemption will not be sought, a transfer of one of the principals will be affected. All of the usual criteria and considerations shall apply to the transfer.

- D. Following receipt of the request for exemption, the Chief Probation Officer will approve or deny the request. The Chief will advise the **Professional Standards Division** Director of the request and the decision to approve or deny. The PSD Director shall maintain a list of exemptions granted. If an exemption is granted for a close relative or **housemate** of the Chief Probation Officer, the Board of Supervisors shall be promptly notified.

REFERENCE:

Policy: A-22 Employment of Relatives (Nepotism)

D. Martinez

APPROVED BY: